

Town of Carlisle

MASSACHUSETTS 01741

ROBERT B. THOMSON, Clerk
Log Hill Road
CARLISLE, MASS.

Office of PLANNING BOARD

MINUTES

March 20, 1972 Meeting

Present were: Cogswell, Evans, Heath, Herndon, Hicks, Kulmala.

Mr. Jurgen C. H. Lemmerman of Concord Road petitioned the Board for the Board's consent to apply to the Board of Appeals for a zoning variance even though a similar application by Mr. Lemmerman had been denied by the Board of Appeals late in 1971. Mr. Lemmerman explained the nature of his original house addition plans and the problems with its being too close to Concord Rd. He further outlined the changes which he had made in the plan to substantially correct this situation. The Planning Board felt that Mr. Lemmerman's new proposal was essentially different from the original plan and that it showed a reasonable attempt on his part to comply with the Town's regulations. Therefore, by a vote of 6 to 0 the Board agreed that Mr. Lemmerman should be permitted to apply to the Board of Appeals for a new hearing on his modified proposal.

Mrs. Winthrop Lee, realtor from Concord, and Mrs. E. Clark Swaim of Cross St., Carlisle showed the Board a plan of land on Cross St. belonging to Mrs. Swaim. It was a parcel of approx. 3.5 acres, rectangular in shape with a dwelling located toward one end of the lot. Mrs. Swaim explained that for many years she had believed that she owned 4 acres of land, and had been taxed on 4 acres by the Town. She planned to sell her house and land and had a survey done on the property which revealed that she did not own 4 acres, but 3.5 acres. It having been her intention to sell the house and lot plus a second building lot, she asked the Board if 2 acres were devoted to the house lot would the remaining 1.5 acres qualify as a building lot since the Town records had her down for 4 acres total. The Board noted that assessors records were not always accurate and certainly did not guarantee title to a specified amount of land. Mr. Evans asked if the land behind Mrs. Swaim's property might be available in order that she could purchase an additional $\frac{1}{2}$ acre to make up the full 4 acres. She said that it might be, and had made enquiries of the owner but had received no reply. Mrs. Swaim then asked if perhaps the Board of Appeals might grant a variance in this case, and the Board noted that the usual reason for granting such a variance would be in the case where no adjacent land were available and where the petitioner could show hardship. Since it was unclear whether either of these conditions could be met in Mrs. Swaim's case, it seemed doubtful that a variance might be granted. Mrs. Swaim indicated that she would pursue the purchase of the additional $\frac{1}{2}$ acre in hopes of solving the problem in that manner.

Mrs. Winthrop Lee then showed the Board a plan of land, some 10 acres in extent, lying to the west and south of Berry Corner Lane and belonging to Fenn School. She explained that Fenn School was interested in disposing of the property, and asked the Board for its suggestions as to how the property might be subdivided. Her description of the land revealed that it had some marshy and some high ground, and the Board felt that the simplest arrangement would be to either sell the entire parcel as one lot, or make two "parkchop" lots out of it, since there was

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3.

9. A five foot diameter easement around those ancient Town Bounds that may be on the property is suggested.
10. A detailed preliminary drainage plan is suggested so that our engineer may better determine the suitability of the road layout relative to the land topography and the impact of the drainage on adjacent property.

The Chairman reported to the Board that he had written Mr. Cosmo Debonis, subdivider of land along Woodridge Road, and sent him the estimate that Mr. Debonis had requested. This estimate, from Mr. Perley, was for \$500. to finish construction of the road so that it could be brought before Town Meeting for possible acceptance. Mr. Herndon also reported that he had requested Mr. Debonis to produce a plan and time schedule for such construction before April 15, 1972 or the Board would proceed to use the security posted with the Town to have the work done.

Mr. Herndon then explained the Department of Community Affairs' "Summer Intern Program" where college students work in communities on various municipal projects at no cost to the employer. He recommended that the Board at least fill out its application forms in the event that the Benjamin Report revision work were sufficiently advanced that it would be helpful to have such a summer student to do some of the work. Mrs. Kulmala asked if there would be a place for such a person to work, and Mr. Herndon noted that it would be possible to have space in the school. There was a question about supervision of such a student, and Mr. Hicks felt that he would be in town and available to supervise such work. The Board agreed to proceed with the application, but felt that should there not be specific work available, the Dept. of Community Affairs should be notified as early as possible in order that a student would not be assigned to a nonexistent job.

The question of how to handle requests for copies of the "high resolution" aerial photograph segments was brought up. Mr. Herndon noted that he had received a money order for a specific 9" x 9" segment and that the problem of getting the proper negative to the original vendor at Logan airport was not a simple one. Mr. Hicks offered to try to find a simpler alternative to getting good reproductions without risking damage to the negatives.

The Board discussed what involvement it should have in, and what use it might make of the Conservation Comm. - Ford Foundation funded water resources study of Carlisle. Mrs. Kulmala felt that the Board could be helpful in such areas as current land use, determination of existing dwellings and wetlands, all of which would serve as a base upon which the water resources study could be built. The question was, exactly what did the Conservation Comm. and its consultant who would be doing the study, have in mind and what did they need? Mrs. Kulmala offered to discuss the entire question with the Conservation Comm. in order to learn more about the proposal.

The Board then adjourned at approx. 10:35 into Executive Session during which Mr. Heath was appointed as the Board's representative to the Solid Waste Disposal Action Committee.

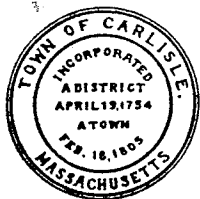
Respectfully submitted,

Terry O. Herndon

insufficient frontage for two 2 acre lots. The Board did not feel that, considering the character of the land as described, it would be advisable to put in a Small Subdivision road. Mrs. Lee said that she was inclined to agree and would speak with her client about the Board's comments. (Later in the week, I began wondering about two factors, the first was that the "Berry Corner Lane" is a private way owned by Deck House, Inc. whose permission in the form of an easement might have to be obtained before prospective residents of homes on the Fenn School property could have a clear right to use the road for access to their lots. Secondly, the Board's Rules and Regulations specify that a Small Subdivision road shall serve not more than 5 building lots and is not, in the opinion of the Board, likely to be extended to serve additional lots. Berry Corner Lane serves 4 building lots, and the Fenn School property fronts on it, so it would not have to be extended. I discussed this problem with Neil Melone, our Town Counsel, who felt that certainly it would be advisable to make some sort of legal arrangement with the owner of the road which would clearly permit access to the Fenn School property. He also noted that if the Fenn School land were to become one house lot, he could see no legal problem with regard to the Board's Rules and Regulations. However, if two house lots were desired (making 6 total on the Small Subdivision road) he felt that this ^{might} probably not conflict with the intent of the Board's Regulations, but thought that due consideration of the nature of the road vis a vis the increased traffic potential should be considered and perhaps the Board should hold a public hearing on the matter. I have communicated this information to Mrs. Lee who indicated that she would discuss the problems with Fenn School and their counsel.)

The Board then took up the matter of the "Woodstock Preliminary Subdivision" plan submitted by J & E Co., Inc. of Concord on Jan. 31, 1972. After considerable discussion of numerous points on the plan, the Board voted 6 to 0 to disapprove the Preliminary Plan and require the following changes:

1. The centerline of "Woodstock Rd." where it meets River Rd. should be offset from the centerline of Skelton Rd. by at least 125 feet.
2. "Fern Path" is to be continued on out to River Rd. and not terminate in a turnaround as proposed.
3. The turnaround on "High Suffolk" is to be eliminated and a stub road substituted in its place.
4. A 40 foot wide easement from "High Suffolk" road to the northern property line in the vicinity of lots 40 or 41 is required.
5. A 40 foot wide easement in the vicinity of lots 30, 31 or 32, running from "Garnet Rock" road to the northwestern boundary is required.
6. An easement along that part of "Two Rod Way" which is within the subdivision for a walking path is recommended.
7. Test digging before summer to determine the potential of the proposed fire hole is required. Should the area be found to be satisfactory for a fire hole, such a fire hole is to be constructed and fenced in accordance with the Carlisle Fire Chief's requirements.
8. An easement from "Woodstock" road to the proposed fire hole is required, and construction of a road in accordance with the Fire Chief's requirements is required between "Woodstock" road and the fire hole.



Town of Carlisle

MASSACHUSETTS 01741

ROBERT B. THOMSON, Clerk
Log Hill Road
CARLISLE, MASS.

Office of
PLANNING BOARD

~~March 25, 1972~~

J & E Company, Inc.
7 Main Street
Concord, Mass. 01742
Attn: Mr. John Finigan

Dear Sir:

The Carlisle Planning Board has voted to disapprove your "Woodstock Preliminary Subdivision" submitted on Jan. 31, 1972. The reasons for this disapproval are as follows:

1. The centerline of "Woodstock Rd." where it meets River Rd. should be offset from the centerline of Skelton Rd. by at least 125 feet.
2. "Fern Path" is to be continued on out to River Rd. and not terminate in a turnaround as proposed.
3. The turnaround on "High Suffolk" is to be eliminated and a stub road substituted in its place.
4. A 40 foot wide easement from "High Suffolk" road to the northern property line in the vicinity of lots 40 or 41 is required.
5. A 40 foot wide easement in the vicinity of lots 30, 31 or 32, running from "Garnet Rock" road to the northwestern boundary is required.
6. An easement along that part of "Two Rod Way" which is within the subdivision for a walking path is recommended.
7. Test digging before summer to determine the potential of the proposed fire hole is required. Should the area be found to be satisfactory for a fire hole, such a fire hole is to be constructed and fenced in accordance with the Carlisle Fire Chief's requirements.
8. An easement from "Woodstock" road to the proposed fire hole is required, and construction of a road in accordance with the Carlisle Fire Chief's requirements is required between "Woodstock" road and the fire hole.
9. A five foot diameter easement around those ancient Town Bounds that may be on the property is suggested.
10. A detailed preliminary drainage plan is suggested so that our engineer may better determine the suitability of the road layout relative to the land topography, and the impact of the drainage on adjacent property.

Please understand that this disapproval does not constitute disapproval of any Definitive Plan which you may contemplate submitting to the Board.

Gerry O. Herndon Chairman

5/11/72

8. "Woodstock Road" is to be shown as "Nowell's Farme Road".
 9. The pavement on "Woodstock Road" is to be offset 2 feet from the centerline of the right of way in a northerly direction. The pavement on "Fern Street" is to be offset by the same amount in a northerly direction. The pavement on "Long Ridge Lane" is to be offset 2 feet from the centerline of the right of way in a southerly direction, and the pavement offset of 2 feet on "Garnet Rock Road" is to be in an easterly direction. Finally, the pavement offset of 2 feet on "High Suffock" is to be in a westerly direction.
 10. At your suggestion, the Town will take title, rather than an easement to the parcel of land designated as Parcel "E" which will be used as a ~~fire pond~~, and to the strip of land along "Two Rod Way" designated as "16.5' wide walkway easement".
 11. Various engineering details that our consultant engineer, Mr. David Perley, has noted as requiring modification must be changed to Mr. Perley's satisfaction. Please feel free to consult Mr. Perley in regard to these matters.
 12. Any ditching that may be proposed should be properly eased to the Town for purposes of maintenance.
 13. J & E. Co. should consult the Carlisle Selectmen regarding possible Hatch Act approval for those areas where road construction may impede or modify natural watercourses or marshes.
 14. "High Suffock" is to be shown as "High Suffolk Way".
- These items comprise the bulk of the Board's comments and required changes on your definitive plan. Of course, all legal documents such as easements and titles which will come to the Town will have to be approved by our Town Counsel, Mr. Neil Melone prior to final approval of the subdivision. In addition, I will write you a separate memorandum concerning the Board's understanding of J & E Company's willingness to undertake certain aspects of street sign installation, gravelling the remainder of "Two Rod Way" to the end of Prospect Street, installation of a barrier at the end of Prospect Street and consulting with our Highway Surveyor relative to the location of driveways on lots 11, 12 and 16 to minimize snow plowing problems.

Should you have any comments or questions on these matters, please do not hesitate to call me.

Sincerely,

Terry O. Herndon

Terry O. Herndon, Chairman
Carlisle Planning Board.